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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,893	05/27/2005	Adrian G. Cornejo	27263.00	2477
37833	7590	07/26/2010	EXAMINER	
LITMAN LAW OFFICES, LTD. POST OFFICE BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/536,893	CORNEJO, ADRIAN G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHAWN AN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 June 2010.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3,5 and 7 is/are rejected.  
 7) Claim(s) 4 and 6 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/27/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION*****Response to Applicant's response to Restriction/Election requirements***

1. Applicant's election with traverse of the Group II corresponding to claims 3-7 in the reply filed on 6/02/10 have been acknowledged.

Applicant's traversal have been carefully considered but are moot in view of the following remarks.

Applicant traverses that a search and examination of both inventions could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search. Hence, Applicant contends that he should be entitled to a consideration of a reasonable number related embodiments falling within the scope of a generic inventive concept.

However, after careful scrutiny of the *Restriction/Election requirements*, the Examiner must respectfully disagree with the Applicant's traversal, and maintain the grounds of the *Restriction/Election requirement* for the reasons that follow.

In response to Applicant's argument, the serious burden is met by two distinct (independent) Groups/inventions, wherein each of the Groups has diverse claimed elements/features between its respective Groups, wherein one Group is not deemed obvious over any other Groups identified. Furthermore, a reasonable search for one Group of claims does not necessarily encompass/cover other Group(s) corresponding to other set of claims.

Moreover, as previously discussed there would be an extra search and examination burden if restriction were not required because of the following reasons apply:

- (a) the groups/inventions have acquired a separate status in the art in view of their respective different classification;
- (b) the groups/inventions have acquired a separate status in the art due to their recognized divergent subject matter;

- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph; and
- (f) the prior art searching of diverse/different classifications and a prosecution of all of the currently pending claims would be an additional burden on the Office and the Examiner based on two distinct (independent) Groups/Inventions and the limited amount of time allocated/given for the examination process/search and prosecution of each groups/inventions.

In conclusion, the Examiner will examine the elected Group II corresponding to claims 3-7, and non-elected claims 1-2 have been considered as withdrawn claims in view of the reasons as set forth above.

The requirement is now deemed proper and is therefore made FINAL.

### ***Specification***

**2.** The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Note:** Applicant's specification is objected, since the specification is missing:

- (g) BRIEF SUMMARY OF THE INVENTION; and
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

Hence, correction is required.

Please refer to the following arrangement of the specification.

### **Arrangement of the Specification**

**3.** As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should

appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S). See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Regarding claim 5**, the phrase "such" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Bell et al (7,619,585 B2).

**Regarding claim 3**, Bell et al discloses a solid graphic display device, which is featured by:

to generate stereoscopic three dimensional images on a block comprising by several overlapped transparent LCD screens at color, as overlapped layers (Fig. 1, 3 and 4; col. 8, lines 30-46; col. 9, lines 45-51),

to generate the stereoscopic three dimensional colored video images on only one block of such overlapped LCD screens device at color (Fig. 1, 3 and 4; col. 8, lines 30-46; col. 9, lines 32-38);

the block of overlapped screens at color which can be flat or curve shaped, or a combination of those shapes, which is only depending upon the

shaping of the material used to construct such a block of overlapped screens (Fig. 1, 3 and 4);

said block of overlapped screens is illuminated with a light source located at the back plane, standing at the rear of the most distant screen from the viewer, in order to homogeneously light at the same time in all the screens (Fig. 1, 5; col. 8, lines 30-46); and

to have only one color filter over the screen more closed to the viewer, or one color filter over each LCD screen, in order to display stereoscopic colored video images on said overlapped screens device (col. 9, lines 32-38).

### ***Claim Rejections - 35 USC § 103***

**8.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9.** Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al (7,619,585 B2) in view of McKenney et al (4,396,944).

**Regarding claim 5,** Bell et al does not particularly disclose an apparatus that uses the flat image colored video signal from a recorded object using a video camera, and at the same time the depth signal for several points in such a recorded object is searched by a sonar system, wherein both, video and depth signals, are synchronized in order to display in real time a stereoscopic three dimensional colored video image of an object on the device of several overlapped screens.

However, McKenney et al teaches an apparatus that uses the flat image colored video signal from a recorded object using a video camera (14), and at the same time the depth signal for several points in such a recorded object is searched by a sonar system (18), wherein both, video and depth signals, are

synchronized (11) so as to provide a measurement of the size of an object displayed on the video display (Fig. 1; col. 2, lines 59-68; col. 3, lines 1-26; col. 6, lines 3-14; col. 1, lines 4-8).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing Bell et al's graphic display device to incorporate/combine Stephenson et al's teachings as above so that the apparatus uses the flat image colored video signal from a recorded object using the video camera, and at the same time the depth signal for several points in such a recorded object is searched by a sonar system, wherein both, video and depth signals, are synchronized to provide a measurement of the size of an object displayed on the video display, thereby being able to display in real time a stereoscopic three dimensional colored video image of an object on Bell et al's solid graphic display device of several overlapped screens.

**10.** Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al (7,619,585 B2) in view of Stephenson et al (6,597,397 B1).

**Regarding claim 7,** Bell et al does not particularly disclose storing the information during the recording mode in an electromagnetic tape device or an electronic recording device, which has three respective available tracks, and to reproduce the information during the playing mode in order to display the stored stereoscopic colored video images on the graphic display device.

However, Stephenson et al teaches a digital camera for storing the information during the recording mode in an electromagnetic tape device or an electronic recording device, which has at least three respective available tracks, and to reproduce the information during the playing mode in order to display the stored digital images on a display device (Fig. 1; Fig. 5; col. 3, lines 66-67; col. 4, lines 1-11; col. 4, lines 58-67; col. 1, lines 65-67; col. 2, lines 1-15).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing Bell et al's graphic display device to incorporate/combine Stephenson et al's teachings as above so as to store the

information during the recording mode in the electromagnetic tape device or the electronic recording device, which has at least three respective available tracks, and to reproduce the information during the playing mode in order to display the stored Bell et al's stereoscopic colored video images on the graphic display device.

***Allowable Subject Matter***

**11.** Claims 4 and 6 are objected to as being dependent upon rejected base claim 3, but would be allowable:

if either claim 4 or claim 6 is rewritten in independent form including all of the limitations of the base claim 3 and any intervening claims.

**Dependent claims 4 and 6** recite novel features, wherein the prior art of record fails to anticipate or make obvious the novel features.

Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in a condition for allowance.

***Conclusion***

**12.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn An* whose telephone number is 571-272-7324.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418.

**13.** The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**14.** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

Art Unit: 2621

PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHAWN AN/

Primary Examiner, Art Unit 2621

7/23/10